

JC05 Rec'd PCT/PTO 25 FEB 2002

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/831,698  
Filing Date: May 11, 2001  
Applicant: Norbert Taufenbach  
Group Art Unit:  
Examiner:  
Title: CO<sub>2</sub> Slab Laser  
Attorney Docket: 6056-000040

**RECEIVED**

22 MAR 2002

Logistics  
International Division

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

By 2/11/02

**REQUEST FOR WITHDRAWAL OF ABANDONMENT**


Sir:

In response to the Notification of Abandonment mailed January 28, 2002, the Examiner is advised that a prior Notice of Abandonment had been issued in this case with a date of mailing of June 15, 2001. In response to this prior Notice of Abandonment, a Petition for Revival was filed on June 19, 2001. Enclosed with this

petition was our check in the amount of \$1,170.00 which covered the cost of the petition as well as the national filing fee, surcharge for late filing of the Oath, and processing fee for filing an English translation more than 30 months from the priority date (see copy of petition enclosed). These documents were received by the United States Patent and Trademark Office on June 22, 2001 as evidenced by applicant's return post card bearing the United States Patent and Trademark Office mail room date stamp (copy enclosed). On November 2, 2001, a decision on the above referenced petition was issued in which the petition was granted in which it is specifically stated that the national fees had been paid (copy enclosed).

Accordingly, in view of the above, it is respectfully submitted that the Notice of Abandonment mailed January 28, 2002 was mailed in error and the holding of abandonment should therefore be withdrawn.

Respectfully submitted,

By:   
Richard L. Carlson  
Attorney for Applicant  
Reg. No. 27863

Harness, Dickey & Pierce, P.L.C.  
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(248) 641-1600

February 11, 2002  
RLC/jb  
Enclosures

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b).**

Docket Number (Optional)  
6056-000040

First named inventor: Norbert Taufenbach

Application No.: 09/831,698

Group Art Unit:

Filed: May 11, 2001

Examiner:

Title: CO<sub>2</sub> Slab Laser

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity - fee \$620.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of our Check No. 08937 in payment of Basic National Fee (\$355.00), surcharge for furnishing Oath/Declaration later than 30 months from the claimed priority date (\$65.00), and processing fee for furnishing English translation later than 30 months from claimed priority date (\$130.00) which total \$550.00 plus the petition fee of \$620.00 (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.  
☒ is enclosed herewith.

## B. The issue fee of \$

- ☐ has been paid previously on \_\_\_\_\_.  
☐ is enclosed herewith.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

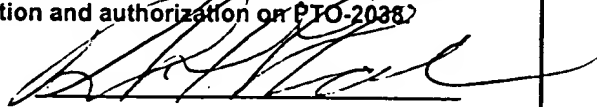
4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

5. The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

June 19, 2001

Date



Signature

Telephone  
Number: (248) 641-1600

Richard L. Carlson, Reg. No. 27863

Typed or printed name

Harness, Dickey & Pierce, P.L.C.

Address

P.O. Box 828, Bloomfield Hills, MI 48303

Enclosures: ☒ Fee Payment - Check No. 08937

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

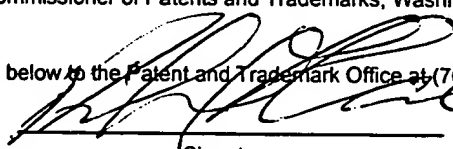
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

June 19, 2001

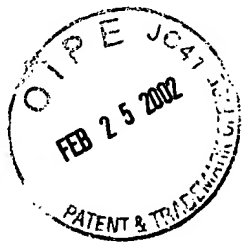
Date



Signature

Richard L. Carlson

Typed or printed name of person signing certificate



Applicant: Norbert Taufenbach	Case No.: 6056-000040
Serial No.: 09/831,698	Filing Date: May 11, 2001
Title: CO <sub>2</sub> Slab Laser	

Please acknowledge receipt of:

Check for \$1170.00 (\$620.00 - petition fee, \$355.00 basic National fee, \$65.00 - furnishing Declaration later than 30 months from claimed priority date, \$130.00 - furnishing translation later than 30 months from claimed priority date), Petition For Revival of An Application For Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b) (in duplicate), certificate of mailing



by stamping and return to Harness, Dickey & Pierce, P.L.C.

USPTO Date Stamp

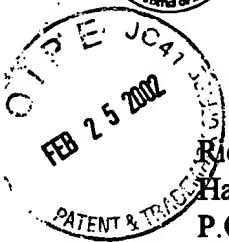
Due:	Attorney: Richard L. Carlson
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NOV 2 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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Washington, D.C. 20231  
www.uspto.gov



Richard L. Carlson  
Harness, Dickey & Pierce, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303

In re Application of TAUFENBACH  
U.S. Application No.: 09/831,698  
Int. Application No.: PCT/DE99/03570  
Int. Filing Date: 09 November 1999  
Priority Date: 13 November 1998  
Attorney Docket No.: 6056-000040  
For: CO<sub>2</sub> SLAB LASER

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 June 2001.

### **BACKGROUND**

On 09 November 1999, applicant filed international application PCT/DE99/03570, which claimed priority of an earlier Germany application filed 13 November 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 25 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 05 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2001 (13 May 2001 was a Sunday).

On 11 May 2001, applicant filed a Transmittal Letter concerning a filing under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). The submission did not include the requisite basic national fee.

On 15 June 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States for failure to pay the basic national fee.

On 22 June 2001, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional."

### DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and a translation of the international application into English must be submitted.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

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